

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1102 be amended to read as follows:

- 1 Page 6, between lines 35 and 36, begin a new paragraph and insert:
- 2 "SECTION 5. IC 5-11-13-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Every state,
- 4 county, city, town, township, or school official, elective or appointive,
- 5 who is the head of or in charge of any office, department, board, or
- 6 commission of the state or of any county, city, town, or township, and
- 7 every state, county, city, town, or township employee or agent who is
- 8 the head of, or in charge of, or the executive officer of any department,
- 9 bureau, board, or commission of the state, county, city, town, or
- 10 township, and every executive officer by whatever title designated, who
- 11 is in charge of any state educational institution or of any other state,
- 12 county, or city institution, shall during the month of January of each
- 13 year prepare, make, and sign a written or printed certified report,
- 14 correctly and completely showing the names and **business** addresses of
- 15 each and all officers, employees, and agents in their respective offices,
- 16 departments, boards, commissions, and institutions, and the respective
- 17 duties and compensation of each, and shall forthwith file said report in
- 18 the office of the state examiner of the state board of accounts. However,
- 19 no more than one (1) report covering the same officers, employees, and
- 20 agents need be made from the state or any county, city, town, township,
- 21 or school unit in any one year."
- 22 Page 12, line 6, after "(j)" insert ",".
- 23 Page 12, line 6, strike "and".
- 24 Page 12, line 6, after "(k)," insert "**and (l),**".
- 25 Page 12, line 37, strike "one (1) week" and insert "**two (2) weeks**".

1 Page 12, line 39, after "office" insert ".".

2 Page 12, line 39, strike "specifying".

3 Page 12, line 40, strike "how to make the required reductions in the
4 amount budgeted by fund." and insert **"The response may include
5 budget reductions, reallocation of levies, a revision in the amount
6 of miscellaneous revenues, and further review of any other item
7 about which, in the view of the political subdivision, the
8 department is in error."**.

9 Page 12, line 41, strike "reductions" and insert **"the adjustments"**.

10 Page 13, line 1, after "subsection" insert ".".

11 Page 13, line 1, strike "and sufficiently specifies all".

12 Page 13, strike lines 2 through 4.

13 Page 14, between lines 23 and 24, begin a new paragraph and insert:

14 **"(l) This subsection does not apply to a school corporation. If a
15 petition is not filed with:**

16 **(1) the proper officers of a political subdivision in accordance
17 with section 5 of this chapter; or**

18 **(2) the county auditor in accordance with section 13 of this
19 chapter;**

20 **the department of local government finance may not conduct a
21 public hearing under subsection (c) and must limit its review of the
22 political subdivision's budget, tax rate, and levy to a determination
23 as to whether the political subdivision's proposed property tax levy
24 for the ensuing year complies with IC 6-1.1-18.5-3."**

25 Page 14, strike lines 37 through 42.

26 Page 15, strike lines 1 through 42.

27 Page 16, strike lines 1 through 3.

28 Page 16, between lines 3 and 4, begin a new paragraph and insert:

29 **"(b) After the public hearing, the proper officers of the political
30 subdivision shall file a certified copy of their final proposal and any
31 other relevant information with the department of local
32 government finance.**

33 **(c) The additional appropriation may not have the effect of
34 increasing the approved tax rate or levy and must be supported by
35 sufficient revenues on hand or unobligated revenues, as certified by
36 the fiscal officer.**

37 **(d) The additional appropriation must be treated as approved
38 following the adoption of the ordinance or resolution making the
39 appropriation.**

40 **SECTION 12. IC 6-1.1-18-6.1 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) The proper officers
43 of a political subdivision may transfer money from one (1) of the
44 political subdivision's funds to another fund of the political
45 subdivision after the adoption of an ordinance or resolution
46 specifying the:**

- (1) amount of the transfer;
- (2) funds involved;
- (3) date of the transfer; and
- (4) general purpose of the transfer.

(b) The political subdivision shall publish a notice of a transfer made under this section one (1) time in conformity with IC 5-3-1.

(c) The amount transferred is available for use after an appropriation of the funds in conformity with section 5 of this chapter.

SECTION 13. IC 6-1.1-18.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit if the civil taxing unit is committed to levy the taxes to pay or fund either:

- (1) bonded indebtedness; or
- (2) lease rentals under a lease with an original term of at least five (5) years.

(b) A civil taxing unit must file a petition requesting approval from the department of local government finance to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the civil taxing unit demonstrates that a longer period is reasonable in light of the civil taxing unit's facts and circumstances. **In addition to any publication requirements, a civil taxing unit other than a county, first class city, or second class city must post a printed notice of the petition in three (3) prominent places in the civil taxing unit.** A civil taxing unit must obtain approval from the department of local government finance before the civil taxing unit may:

- (1) incur the bonded indebtedness; or
- (2) enter into the lease.

Except as provided in subsection (g), the department of local government finance may seek recommendations from the local government tax control board established by section 11 of this chapter when determining whether to authorize incurring the bonded indebtedness or the execution of the lease.

(c) The department of local government finance shall render a decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the civil taxing unit. A civil taxing unit may petition for judicial review of the final determination of the department of local government finance under this section. The petition

1 must be filed in the tax court not more than forty-five (45) days after
2 the department enters its order under this section.

3 (d) A civil taxing unit does not need approval under subsection (b)
4 to obtain temporary loans made in anticipation of and to be paid from
5 current revenues of the civil taxing unit actually levied and in the
6 course of collection for the fiscal year in which the loans are made.

7 (e) For purposes of computing the ad valorem property tax levy
8 limits imposed on a civil taxing unit by section 3 of this chapter, the
9 civil taxing unit's ad valorem property tax levy for a calendar year does
10 not include that part of its levy that is committed to fund or pay bond
11 indebtedness or lease rentals with an original term of five (5) years in
12 subsection (a).

13 (f) A taxpayer may petition for judicial review of the final
14 determination of the department of local government finance under this
15 section. The petition must be filed in the tax court not more than thirty
16 (30) days after the department enters its order under this section.

17 **(g) The department of local government finance may not consult**
18 **the local government tax control board when determining whether**
19 **to authorize incurring the bonded indebtedness or the execution of**
20 **the lease if:**

21 **(1) a sufficient petition objecting to the bond issue or the lease**
22 **was not filed in accordance with IC 6-1.1-20-5; or**

23 **(2) with respect to a controlled project (as defined in**
24 **IC 6-1.1-20-1.1):**

25 **(A) a sufficient petition requesting the application of a**
26 **petition and remonstrance process was not filed in**
27 **accordance with IC 6-1.1-20-3.1; or**

28 **(B) the certificate filed with the political subdivision by the**
29 **county auditor under IC 6-1.1-20-3.2(5) states that a**
30 **greater number of owners of real property within the**
31 **political subdivision have signed a petition than have**
32 **signed a remonstrance with respect to the controlled**
33 **project."**

34 Page 22, between lines 5 and 6, begin a new paragraph and insert:
35 "SECTION 20. IC 8-14-1-5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) All funds
37 allocated to cities and towns from the motor vehicle highway account
38 shall be used by the cities and towns for the:

39 **(1) engineering, land acquisition,** construction, reconstruction,
40 repair, maintenance, oiling, sprinkling, snow removal, weed and
41 tree cutting, and cleaning of their highways, ~~as herein defined; and~~
42 including ~~also~~ any curbs; ~~and the~~

43 **(2) city's or town's share of the cost of the separation of the grades**
44 **of crossing of public highways and railroads; the**

45 **(3) purchase or lease of highway construction and maintenance**
46 **equipment; the**

47 **(4) purchase, erection, operation and maintenance of traffic signs**

1 and signals, and safety zones and devices; and ~~the~~

2 **(5)** painting of structures, objects, **and** surfaces in highways for
3 purposes of safety and traffic regulation.

4 All of ~~such the~~ funds shall be budgeted as provided by law.

5 (b) In addition to purposes for which funds may be expended under
6 subsections (a) and (c) of this section, monies allocated to cities and
7 towns under this chapter may be expended for law enforcement
8 purposes, subject to the following limitations:

9 (1) For cities and towns with a population of less than five
10 thousand (5,000), no more than fifteen percent (15%) may be
11 spent for law enforcement purposes.

12 (2) For cities and towns other than those specified in subdivision
13 (1) of this subsection, no more than ten percent (10%) may be
14 spent for law enforcement purposes.

15 (c) In addition to purposes for which funds may be expended under
16 subsections (a) and (b) of this section, monies allocated to cities and
17 towns under this chapter may be expended for the payment of principal
18 and interest on bonds sold primarily to finance road, street, or
19 thoroughfare projects **and for the payment of the indirect costs**
20 **associated with municipal street departments.**

21 **(d) A city or town may combine funds allocated under this**
22 **chapter with funds allocated under IC 8-14-2.**

23 SECTION 21. IC 8-14-2-5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a)** Money from
25 the local road and street account shall be used exclusively by the cities,
26 towns, and counties for:

27 (1) engineering, land acquisition, construction, resurfacing,
28 maintenance, restoration, or rehabilitation of both local and
29 arterial road and street systems;

30 (2) the payment of principal and interest on bonds sold primarily
31 to finance road, street, or thoroughfare projects;

32 (3) any local costs required to undertake a recreational or reservoir
33 road project under IC 8-23-5; or

34 (4) the purchase, rental, or repair of highway equipment.

35 **(b) In addition to the purposes specified in subsection (a), cities,**
36 **towns, and counties may use money from the local road and street**
37 **account for:**

38 (1) oiling, sprinkling, snow removal, weed and tree cutting,
39 and cleaning of their highways, including any curbs;

40 (2) the city's or town's share of the cost of the separation of
41 the grades of crossing of public highways and railroads;

42 (3) the purchase, erection, operation, and maintenance of
43 traffic signs and signals, and safety zones and devices; and

44 (4) the painting of structures, objects, and surfaces in
45 highways for purposes of safety and traffic regulation.

46 **(c) A city or town may combine funds allocated under this**
47 **chapter with funds allocated under IC 8-14-1."**

Page 22, between lines 31 and 32, begin a new paragraph and insert:
 "SECTION 23. IC 12-19-7-32 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. The serial bonds
 issued under section 31 of this chapter:

- (1) may be of any denomination that is:
 - (A) not less than fifty dollars (\$50); and
 - (B) not more than one thousand dollars (\$1,000);
- (2) shall be payable:
 - (A) at any place named on the serial bonds; and
 - (B) at any time not later than fifteen (15) years after the date of the serial bonds;
- (3) may bear any rate of interest, payable annually or semiannually;
- (4) shall be sold at not less than the par value of the bonds; and
- (5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 24. IC 12-19-7.5-31 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. The serial bonds
 issued under section 30 of this chapter:

- (1) may be of any denomination that is:
 - (A) not less than fifty dollars (\$50); and
 - (B) not more than one thousand dollars (\$1,000);
- (2) shall be payable:
 - (A) at any place named on the serial bonds; and
 - (B) at any time not later than fifteen (15) years after the date of the serial bonds;
- (3) may bear any rate of interest, payable annually or semiannually;
- (4) shall be sold at not less than the par value of the bonds; and
- (5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 25. IC 12-20-21-2, AS AMENDED BY P.L.73-2005,
 SECTION 94, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~Money raised by tax levies made specifically for township assistance purposes; either by a county or township; may not be considered as a part of and may not be commingled with other money of the county. Township assistance money raised by townships may not be commingled. except for the money resulting from levies made by the townships for reimbursement of the counties for advancements from the general fund.~~

SECTION 26. IC 12-20-24-1, AS AMENDED BY P.L.73-2005,
 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) In addition to the other methods of township assistance financing provided by this article, if a township trustee for a township determines that a particular township's township assistance account will be exhausted before the end of a fiscal year, the township trustee shall notify the township board of that

1 determination.

2 (b) After receiving notice under subsection (a) that a township's
3 township assistance account will be exhausted before the end of a fiscal
4 year, the township board shall appeal **to the department of local**
5 **government finance** for the right to borrow money on a short term
6 basis to fund township assistance services in the township. In the appeal
7 the township board must do the following:

8 (1) Show that the amount of money contained in the township
9 assistance account will not be sufficient to fund services required
10 to be provided within the township by this article.

11 (2) Show the amount of money that the board estimates will be
12 needed to fund the deficit.

13 (3) Indicate a period, not to exceed five (5) years, during which
14 the township would repay the loan.

15 SECTION 27. IC 12-20-24-5, AS AMENDED BY P.L.73-2005,
16 SECTION 111, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) If upon appeal under ~~section~~
18 **4 section 1** of this chapter the department determines that a township
19 board should be allowed to borrow money under this chapter, the
20 department shall order the township trustee to borrow the money from
21 a financial institution on behalf of the township board and to deposit the
22 money borrowed in the township's township assistance account.

23 (b) If upon appeal under ~~section 4~~ **section 1** of this chapter the
24 department determines that the township board should not be allowed
25 to borrow money, the board may not do so for that year.

26 SECTION 28. IC 12-20-24-6 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. If a loan is approved
28 under IC 12-2-4.5 (before its repeal) or this chapter, the board of
29 commissioners **or** county council **(for a loan approved by the board**
30 **of commissioners or county council before July 1, 2006)** **or the**
31 department shall determine the period during which the township shall
32 repay the loan. However, the period may not exceed five (5) years.

33 SECTION 29. IC 12-20-24-7, AS AMENDED BY P.L.73-2005,
34 SECTION 112, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2006]: Sec. 7. A board of commissioners **or** a
36 county council **(for a loan approved by the board of commissioners**
37 **or county council before July 1, 2006)** or the department may not do
38 any of the following:

39 (1) Approve a request to borrow money made under IC 12-2-4.5
40 (before its repeal) or this chapter unless the body determines that
41 the township's township assistance account will be exhausted
42 before the account can fund all township obligations incurred
43 under this article.

44 (2) Recommend or approve a loan that will exceed the estimated
45 amount of the deficit.

46 SECTION 30. IC 12-20-24-8 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If a township

1 board:

- 2 (1) appeals before August 1 for permission to borrow money;
 3 (2) receives permission from:
 4 (A) the board of commissioners **or the county council, before**
 5 **July 1, 2006;** or
 6 (B) the department;
 7 to borrow money before November 1 of that year; and
 8 (3) borrows money under this chapter;

9 the township board shall levy a property tax beginning in the next
 10 succeeding year and continuing for the term of the loan in an amount
 11 each year that will be sufficient to pay the principal and interest due on
 12 the loan for the year.

13 (b) If a township board:

- 14 (1) appeals after August 1 for permission to borrow money;
 15 (2) receives permission from:
 16 (A) the board of commissioners **or the county council, before**
 17 **July 1, 2006;** or
 18 (B) the department;
 19 to borrow money; and
 20 (3) borrows money in the year of the appeal under this chapter;

21 the township board shall levy a property tax beginning in the second
 22 succeeding year and continuing for the term of the loan in an amount
 23 each year that will be sufficient to pay the principal and interest due on
 24 the loan for the year.

25 (c) The property taxes levied under this section shall be retained by
 26 the township trustee and applied by the township trustee to retire the
 27 debt.

28 SECTION 31. IC 12-20-25-30, AS AMENDED BY P.L.73-2005,
 29 SECTION 131, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) The control board shall
 31 supervise the township trustee in the administration of township
 32 assistance. The control board may appoint one (1) of the board's
 33 members to monitor the trustee's compliance with this chapter and to
 34 report discrepancies to the control board. The control board may require
 35 the board's approval of an expenditure of more than five hundred
 36 dollars (\$500).

37 (b) Notwithstanding IC 36-6-6-11, the control board shall review
 38 and may reduce or increase the township's budget and proposed tax
 39 levy to be advertised by the county auditor. If the control board finds
 40 that there will be insufficient revenues available under this chapter for
 41 the township to pay valid township assistance claims, the control board
 42 may consent to proposed borrowing for township assistance under
 43 ~~IC 12-20-23~~ or IC 12-20-24.

44 (c) The control board may approve the number, pay, and duties of
 45 employees who are employed for the distribution and administration of
 46 the distressed township's township assistance program.

47 (d) The control board may require the township trustee to submit

reports on the amounts of township assistance by categories, including the types of goods or services furnished and the vendors who supplied the goods or services.

(e) The control board:

(1) shall operate the employment program implemented by the management committee under section 15(a)(5) of this chapter; and

(2) may require that a township assistance recipient participate in a training program under IC 12-20-12-1.

(f) The control board shall establish income eligibility standards for township assistance, subject to the requirements of section 18 of this chapter.

SECTION 32. IC 12-20-25-40, AS AMENDED BY P.L.73-2005, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40. The county treasurer shall deposit the disbursements from the treasurer of state in a county fund to be known as the county income tax township assistance control fund. Notwithstanding IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-1.1-18.5, the county treasurer shall disburse the money in the fund in the following priority:

(1) To ensure the payment within thirty (30) days of all valid township assistance claims in the distressed township that are not covered by subdivision (3).

(2) At the end of each calendar year, to redeem any outstanding bonds issued or repay loans incurred by the county for poor relief or township assistance purposes under IC 12-2-4.5 (before its repeal), IC 12-2-5 (before its repeal), IC 12-20-23 **(before its repeal)**, or IC 12-20-24 to the extent the proceeds of the bonds or loans were advanced to the distressed township.

(3) To pay claims approved under section 27 or 28 of this chapter (or IC 12-2-14-22 or IC 12-2-14-23 before their repeal).

(4) As provided in IC 6-3.5-6 if the county option income tax is imposed under this chapter. If the county adjusted gross income tax is imposed under this chapter, to provide property tax replacement credits for each civil taxing unit and school corporation in the county as provided in IC 6-3.5-1.1. No part of the county adjusted gross income tax revenue is considered a certified share of a governmental unit as provided in IC 6-3.5-1.1-15. In addition, the county adjusted gross income tax revenue (except for the county adjusted gross income tax revenues that are to be treated as property tax replacements under this subdivision) is in addition to and not a part of the revenue of the township for purposes of determining the township's maximum permissible property tax levy under IC 6-1.1-18.5.

SECTION 33. IC 12-20-25-42, AS AMENDED BY P.L.73-2005, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 42. (a) This section applies to a township that was certified a distressed township before January 1, 1988.

(b) The controlled status of the distressed township is terminated on July 1, 1989, if the department finds that the following conditions exist:

(1) All valid township assistance claims in the distressed township, including the claims approved under IC 12-2-14-22 (before its repeal), IC 12-2-14-23 (before its repeal), or section 27 or 28 of this chapter, have been paid, except for the following:

(A) Claims under litigation before the date of the board's finding.

(B) Obligations owed to other political subdivisions.

(2) The township has no bonds outstanding that were issued to pay for township assistance in the distressed township.

(c) Notwithstanding section 4(2) of this chapter, if a township that has had the township's distressed status terminated under subsection (b) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article to pay township assistance claims more than one (1) time in the five (5) years following the termination of the township's distressed status, the township must have the township's civil and township assistance budgets reviewed and approved by the county fiscal body in each year that a tax is levied against the property in the township to repay the advances. The decision of the county fiscal body may be appealed to the department.

(d) Notwithstanding IC 12-2-5-6 (before its repeal), IC 12-2-5-8 (before its repeal), IC 12-20-23-15 (**before its repeal**), and IC 12-20-23-19 (**before its repeal**), the aggregate principal amount of any outstanding debt that is incurred to pay township assistance claims during the five (5) years following the termination of the township's distressed status under subsection (b) and that is in excess of one-tenth percent (0.1%) of the adjusted valued of taxable property in the township as determined under IC 36-1-15 is the direct general obligation of the county."

Page 22, after line 42, begin a new paragraph and insert:

"SECTION 35. IC 36-1-8-5, AS AMENDED BY P.L.73-2005, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.

(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

(3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or

rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township; but if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) Transfers to a political subdivision's rainy day fund ~~must~~ **may** be made ~~after the last day of at any time during~~ the political subdivision's fiscal year. ~~and before March 1 of the subsequent calendar year."~~

Page 23, delete lines 34 through 42.

Page 24, delete lines 1 through 32.

Page 35, between lines 31 and 32, begin a new paragraph and insert:
"SECTION 51. IC 36-7-7.6-9 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) ~~Twenty-six (26)~~
Twenty-seven (27) commission members constitute a quorum.

(b) An action of the commission is official only if both the following apply:

(1) The action is authorized at a regular meeting or a properly called special meeting in which at least one (1) member from each county described in section 1 of this chapter is present.

(2) The action is authorized by:

(A) the affirmative votes of ~~twenty-six (26)~~ **twenty-seven (27)** members of the commission; or

(B) a weighted affirmative vote of more than fifty (50) if a motion is made under subsection (c).

(c) The weighted voting authorized under this chapter may not be used after June 30, 2007. Upon a motion by any one (1) member of the commission that is properly seconded by another member at:

(1) a regular meeting; or

(2) a properly called special meeting;

the commission shall use the weighted voting process described in subsection (d).

(d) Until June 30, 2007, each commission member has a weighted

- 1 vote determined as follows:
- 2 (1) In the case of a member appointed by the executive of a
- 3 municipality, the member's weighted vote is determined in STEP
- 4 FIVE of the following formula:
- 5 STEP ONE: Determine the population of the municipality as
- 6 reported by the 2000 decennial census.
- 7 STEP TWO: Determine the sum of the population of the
- 8 counties described in section 1 of this chapter as reported by
- 9 the 2000 decennial census.
- 10 STEP THREE: Divide the number determined in STEP ONE
- 11 by the number determined in STEP TWO.
- 12 STEP FOUR: Round the number determined in STEP THREE
- 13 to the nearest ten-thousandth (0.0001).
- 14 STEP FIVE: Multiply the number determined in STEP FOUR
- 15 by one hundred (100).
- 16 (2) In the case of a member appointed by the executive of a
- 17 county, the member's weighted vote is determined in STEP FIVE
- 18 of the following formula:
- 19 STEP ONE: Determine the population of the area in the county
- 20 that is not within a municipality **and is not within a township**
- 21 **described in section 4(a)(6) of this chapter** as reported by the
- 22 2000 decennial census.
- 23 STEP TWO: Determine the sum of the population of the
- 24 counties described in section 1 of this chapter as reported by
- 25 the 2000 decennial census.
- 26 STEP THREE: Divide the number determined in STEP ONE
- 27 by the number determined in STEP TWO.
- 28 STEP FOUR: Round the number determined in STEP THREE
- 29 to the nearest ten-thousandth (0.0001).
- 30 STEP FIVE: Multiply the number determined in STEP FOUR
- 31 by fifty (50).
- 32 (3) In the case of a member appointed by a fiscal body, the
- 33 member's weighted vote is determined in STEP FIVE of the
- 34 following formula:
- 35 STEP ONE: Determine the population of the area in the county
- 36 that is not within a municipality **and is not within a township**
- 37 **described in section 4(a)(6) of this chapter** as reported by the
- 38 2000 decennial census.
- 39 STEP TWO: Determine the sum of the population of the
- 40 counties described in section 1 of this chapter as reported by
- 41 the 2000 decennial census.
- 42 STEP THREE: Divide the number determined in STEP ONE
- 43 by the number determined in STEP TWO.
- 44 STEP FOUR: Round the number determined in STEP THREE
- 45 to the nearest ten-thousandth (0.0001).
- 46 STEP FIVE: Multiply the number determined in STEP FOUR
- 47 by fifty (50).

(4) In the case of a member appointed by the trustee of a township under section 4(a)(6) of this chapter, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the township as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50)."

Page 40, line 6, delete "town board" and insert "**township executive**".

Page 40, line 7, delete "executives of" and insert "**of the township containing**".

Page 44, delete lines 11 through 12, begin a new paragraph and

1 insert:
2 "SECTION 57. THE FOLLOWING ARE REPEALED
3 [EFFECTIVE JULY 1, 2006]: IC 12-20-21-4; IC 12-20-23;
4 IC 12-20-24-2; IC 12-20-24-3; IC 12-20-24-4."
5 Renumber all SECTIONS consecutively.
 (Reference is to HB 1102 as printed January 18, 2006.)

Representative Hinkle